IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 750 of 2007()

CRIME NO.19/07 OF KEEZHVAIPUR POLICE STATION

: PETITIONERS/ACCUSED 2 & 3

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1. GEORGE THOMAS @ THANKACHAN,
AGED 45, KIZHAKKEATTASSERIL,
KEEZHVAIPOOR P.O., MALLAPALLY.

2. P.E.KOCHUKUNJU,
THOONGUPALECKAL, PERUMPETTY,
MALLAPPALLY TALUK.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.750 OF 2007

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DATED THIS THE 15th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.2 and 3 in Crime No.19/07 of Keezhvaipoor Police Station for offences punishable under sections 452, 341, 324 and 326 read with section 34 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 16.1.2007 at about 4.30 PM, the accused persons criminally trespassed upon the sow mill, where the de facto complainant is an employee, armed with deadly weapons like iron road, etc. and assaulted the de facto complainant and another employee causing injuries including fracture to the de facto complainant's right leg.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for bail considered by the Magistrate concerned. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 20.2.2007 and 22.2.2007 for the purpose of interrogation and recovery of incriminating materials, if

any. The petitioners shall thereafter be produced before the Magistrate concerned on the same day. The Magistrate shall consider and dispose of the application for regular bail, if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed taking into consideration that another case as Crime No.21/07 has also been registered against the petitioners by the same Police.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn